

**PART III – LIST OF DOCUMENTS, EXHIBITS, AND OTHER ATTACHMENTS**

**SECTION J – LIST OF ATTACHMENTS**

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**APPENDIX A**

**RESERVED**

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**APPENDIX B**

**SPECIAL FINANCIAL INSTITUTION ACCOUNT AGREEMENT FOR USE WITH  
THE PAYMENTS CLEARED FINANCING AGREEMENT**

TO BE DETERMINED

Note: Until a new M&O contractor is selected a bank account cannot be established.

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**APPENDIX C**

**SMALL BUSINESS SUBCONTRACTING PLAN**

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**APPENDIX D**

**KEY PERSONNEL**

Pursuant to the clause entitled “Key Personnel,” the following positions are considered to be essential to work being performed.

Name

Title

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**APPENDIX E**

**DEAR 970.5204-2 LAWS, REGULATIONS, AND DOE DIRECTIVES**

Pursuant to the LAWS, REGULATIONS, AND DOE DIRECTIVES clause, the Contractor shall adhere to the ES&H requirements compliance process delineated in the Site Standards/ Requirements Identification Document (S/RID). For requirements other than Environment, Safety and Health (ES&H), the contractor shall adhere to the existing DOE directive requirements that are the basis for established procedures and programs until authorized approvals are obtained to deviate from established requirements. The S/RID, and superseding versions thereof, are hereby incorporated by reference.

The Contracting Officer, or designated representative, may, from time to time via issuance of a Contract Administration Notice (CAN) or other means, revise the ES&H requirements and non-ES&H requirements (i.e., List B as referred to in the LAWS, REGULATIONS, AND DOE DIRECTIVES clause). Revision to List B shall be processed by the Contractor in accordance with the processes set forth in the Special Contract Clause, entitled, STANDARDS/ REQUIREMENTS IDENTIFICATION DOCUMENT (S/RID) AND DIRECTIVES MANAGEMENT.

**PART III – LIST OF DOCUMENTS, EXHIBITS, AND OTHER ATTACHMENTS****SECTION J - LIST OF ATTACHMENTS****APPENDIX E – LIST B/APPLICABLE DOE DIRECTIVES AND ORDERS**

The following documents are the current regulations which form the basis of the List B referenced in Section J, Appendix E, DEAR 970.5204-2: Laws, Regulations, and DOE Directives, and are provided as information to the Offeror. This list is current as of June 2006.

**ENVIRONMENTAL, SAFETY AND HEALTH REGULATIONS (ES&H)****ES&H Requirements**

<b>Directive</b>	<b>Title</b>
10 CFR 1021	National Environmental Policy Act Implementing Procedures
10 CFR 436	Federal Energy Management and Planning Programs
10 CFR 707	Workplace Substance Abuse Programs at DOE Sites
10 CFR 708	DOE Contractor Employee Protection Program
10 CFR 71	PACKAGING AND TRANSPORTATION OF RADIOACTIVE MATERIAL
10 CFR 820	PROCEDURAL RULES FOR DOE NUCLEAR ACTIVITIES
10 CFR 830	NUCLEAR SAFETY MANAGEMENT
10 CFR 835	OCCUPATIONAL RADIATION PROTECTION
10 CFR 850	Chronic Beryllium Disease Prevention Program
10 CFR 851	Worker Safety and Health Program
33 CFR 153	Control of Pollution by Oil and Hazardous Substances, Discharge Removal
33 CFR 320	General Regulatory Policies
33 CFR 322	Permits for Structures or Work in or Affected Navigable Waters of the United States
33 CFR 323	Permits for Discharges of Dredged or Fill Material into Waters of the United States
33 CFR 325	Processing of Department of Army Permits
33 CFR 326	Enforcement
33 CFR 327	Public Hearings
33 CFR 328	Definition of Waters of the United States
33 CFR 329	Definition of Navigable Waters of the United States
33 CFR 330	Nation Wide Permit Program
40 CFR 110	Discharge of Oil
40 CFR 112	Oil Pollution Prevention
40 CFR 116	Designation of Hazardous Substances
40 CFR 117	Determination of Reportable Quantities for Hazardous Substances
40 CFR 122	EPA ADMINISTERED PERMIT PROGRAMS: THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
40 CFR 125	Criteria and Standards for the National Pollution Discharge Elimination System
40 CFR 129	Toxic Pollutant Effluent Standards

Directive	Title
40 CFR 131	Water Quality Standards
40 CFR 133	Secondary Treatment Regulation
40 CFR 136	Guidelines Establishing Test Procedures for the Analysis of Pollutants
40 CFR 141	National Primary Drinking Water Regulations
40 CFR 142	National Primary Drinking Water Regulations Implementation
40 CFR 143	National Secondary Drinking Water Regulations
40 CFR 144	Underground Injection Control Program
40 CFR 146	Underground Injection Control Program: Criteria and Standards
40 CFR 148	Hazardous Waste Injection Restrictions
40 CFR 149	Sole Source Aquifers
40 CFR 166	Exemption of Federal and State Agencies for Use of Pesticides Under Emergency Conditions
40 CFR 170	Worker Protection Standard
40 CFR 171	CERTIFICATION OF PESTICIDE APPLICATORS
40 CFR 191	ENVIRONMENTAL RADIATION PROTECTION STANDARDS FOR MANAGEMENT AND DISPOSAL OF SPENT NUCLEAR FUEL, HIGH-LEVEL AND TRANSURANIC RADIOACTIVE WASTES
40 CFR 230	Section 404(b)(1) Guidelines for Specification of Disposal for Dredged or Fill Material
40 CFR 231	Section 404(c) Procedures
40 CFR 243	Guidelines for the Storage and Collection of Residential, Commercial, and Institutional Solid Waste
40 CFR 246	Source Separation for Materials Recovery Guidelines
40 CFR 247	Comprehensive Procurement Guideline for Products Containing Recovered Materials
40 CFR 257	Criteria for Classification of Solid Waste Disposal Facilities and Practices
40 CFR 260	Hazardous Waste Management System: General
40 CFR 261	IDENTIFICATION AND LISTING OF HAZARDOUS WASTE
40 CFR 262	Standards Applicable to Generators of Hazardous Waste
40 CFR 263	Standards Applicable to Transporters of Hazardous Waste
40 CFR 264	Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
40 CFR 265	Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
40 CFR 266	STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES
40 CFR 268	LAND DISPOSAL RESTRICTIONS
40 CFR 270	EPA ADMINISTERED PERMIT PROGRAMS: THE HAZARDOUS WASTE PERMIT PROGRAM
40 CFR 273	STANDARDS FOR UNIVERSAL WASTE MANAGEMENT
40 CFR 279	Standards for the Management of Used Oil
40 CFR 280	TECHNICAL STANDARDS AND CORRECTIVE ACTION REQUIREMENTS FOR OWNERS AND OPERATORS OF UNDERGROUND STORAGE TANKS (UST)
40 CFR 300	National Oil and Hazardous Substances Pollution Contingency Plan
40 CFR 302	DESIGNATION, REPORTABLE QUANTITIES AND NOTIFICATION
40 CFR 355	EMERGENCY PLANNING AND NOTIFICATION

Directive	Title
40 CFR 370	HAZARDOUS CHEMICAL REPORTING: COMMUNITY RIGHT-TO-KNOW
40 CFR 372	TOXIC CHEMICAL RELEASE REPORTING: COMMUNITY RIGHT-TO-KNOW
40 CFR 401	Effluent Guidelines and Standards: General Provisions
40 CFR 403	General Pretreatment Regulations for Existing and New Sources of Pollution
40 CFR 50	National Primary and Secondary Ambient Air Quality Standards
40 CFR 503	STANDARDS FOR THE USE OR DISPOSAL OF SEWAGE SLUDGE
40 CFR 58	Ambient Air Quality Surveillance
40 CFR 60	Standards of Performance for New Stationary Sources
40 CFR 61	NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS
40 CFR 68	Chemical Accident Prevention Provisions
40 CFR 69	Special Exemptions from Requirements of the Clean Air Act
40 CFR 707	Chemical Imports and Exports
40 CFR 717	Records and Reports of Allegations that Chemical Substances Cause Significant Adverse Reactions to Health or the Environment
40 CFR 747	Metalworking Fluids
40 CFR 761	Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions
40 CFR 763	Asbestos
40 CFR 82	Protection of Stratospheric Ozone
43 FR 4377	RADIATION PROTECTION GUIDANCE TO FEDERAL AGENCIES FOR DIAGNOSTIC X-RAYS
49 CFR 107	HAZARDOUS MATERIALS PROGRAM PROCEDURES
49 CFR 171	GENERAL INFORMATION, REGULATIONS AND DEFINITIONS
49 CFR 172	HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS
49 CFR 173	SHIPPERS - GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS
49 CFR 174	CARRIAGE BY RAIL
49 CFR 177	CARRIAGE BY PUBLIC HIGHWAY
49 CFR 382	CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING
49 CFR 383	COMMERCIAL DRIVER'S LICENSE STANDARDS; REQUIREMENTS AND PENALTIES
49 CFR 385	SAFETY FITNESS PROCEDURES
49 CFR 386	Rules of Practice for Motor carrier Safety and Hazardous Materials Proceedings -- Scope of Rules, Definitions
49 CFR 387	MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY FOR MOTOR CARRIERS
49 CFR 389	Rulemaking Procedures - Federal Motor Carrier Safety Regulations -- General
49 CFR 390	FEDERAL MOTOR CARRIER SAFETY REGULATIONS; GENERAL
49 CFR 391	QUALIFICATIONS OF DRIVERS
49 CFR 392	DRIVING OF MOTOR VEHICLES
49 CFR 393	PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION
49 CFR 395	HOURS OF SERVICE OF DRIVERS
49 CFR 396	INSPECTION, REPAIR, AND MAINTENANCE
49 CFR 397	TRANSPORTATION OF HAZARDOUS MATERIALS; DRIVING AND PARKING RULES
49 CFR 40	Procedures for Transportation Workplace Drug Testing Program -- General

Directive	Title
50 CFR 17	Endangered and Threatened Wildlife and Plants
ADN-89-05-FF	FEDERAL FACILITY AGREEMENT FOR THE SAVANNAH RIVER SITE
ANS 8.1	Nuclear Criticality Safety In Operations With Fissionable Materials Outside Reactors
ANS 8.14	Use of Soluble Neutron Absorbers in Nuclear Facilities Outside Reactors
ANS 8.15	Nuclear Criticality Control of Special Actinide Elements
ANS 8.17	Criticality Safety Criteria for the Handling, Storage, and Transportation of LWR Fuel Outside Reactors
ANS 8.19	Administrative Practices for Nuclear Criticality Safety
ANS 8.21	Use of Fixed Neutron Absorbers in Nuclear Facilities Outside Reactors
ANS 8.22	Nuclear Criticality Safety Based on Limiting and Controlling Moderators
ANS 8.3	Criticality Accident Alarm System
ANS 8.6	Safety in Conducting Subcritical Neutron-Multiplication Measurements in Situ
ANS 8.7	Nuclear Criticality Safety In The Storage Of Fissile Materials
ANSI Z 358.1	Eye Wash and Shower Equipment, Emergency
ANSI N323A - 1997	American National Standard: Radiation Protection Instrumentation Test and Calibration, Portable Survey Instruments
ANSI N42.18 - 1980	American National Standard: Specification and Performance of On-Site Instrumentation for Continuously Monitoring Radioactivity in Effluents
ANSI N43.3 - 1993	American National Standard For General Radiation Safety - Installations Using Non-Medical X-Ray and Sealed Gamma-Ray Sources, Energies Up To 10 MeV
ANSI/ANS-3.2	ADMINISTRATIVE CONTROLS AND QUALITY ASSURANCE FOR THE OPERATIONAL PHASE OF NUCLEAR POWER PLANTS
ANSI/ASQ E4	Quality Systems For Environmental Data And Technology Programs -Requirements With Guidance For Use
ANSI/HPS N43.2 – 2001	American National Standard: Radiation Safety for X-Ray Diffraction and Fluorescence Analysis Equipment
ASME NQA-1-2000	QUALITY ASSURANCE REQUIREMENTS FOR NUCLEAR FACILITY APPLICATIONS
Comm. Vehicle Safety Alliance	North American Uniform Vehicle Out-of-Service Criteria
DOE LETTER AA-03-007	Cancellation of Directive Implementation Instructions
DOE LETTER JF-04-032	DOE-SRS Letter JF-04-032, Enclosure 1, Fire Protection Requirements And Clarifications Established by DOE-SRS
DOE/NNSA QC-1, Rev. 10	DOE/NNSA QC-1 Weapon Quality Policy QC-1
DOE/RW-0333P, Rev 6	Quality Assurance Requirements and Description for the Civilian Radioactive Waste Management Program
DOE5400.5 Chg 2*	RADIATION PROTECTION OF THE PUBLIC AND THE ENVIRONMENT
DOE5480.19	CONDUCT OF OPERATIONS REQUIREMENTS FOR DOE FACILITIES
DOE5480.20A	PERSONNEL SELECTION, QUALIFICATION, AND TRAINING REQUIREMENTS FOR DOE NUCLEAR FACILITIES
DOE5480.4 Chg 4*	ENVIRONMENTAL PROTECTION, SAFETY, AND HEALTH PROTECTION STANDARDS
DOE5480.8A Chg 1*	CONTRACTOR OCCUPATIONAL MEDICAL PROGRAM
DOE5530.3	RADIOLOGICAL ASSISTANCE PROGRAM
DOE-EM-STD-5502-94	Hazard Baseline Documentation
DOEM231.1-1A	Environment, Safety and Health Reporting Manual
DOEM231.1-2	Occurrence Reporting and Processing of Operations Information

Directive	Title
DOEM435.1-1	Radioactive Waste Management Manual, Chg. 1
DOEO151.1C	COMPREHENSIVE EMERGENCY MANAGEMENT SYSTEM
DOEO225.1A	ACCIDENT INVESTIGATIONS
DOEO226.1	IMPLEMENTATION OF DEPARTMENT OF ENERGY OVERSIGHT POLICY
DOEO251.1A	DIRECTIVES SYSTEM
DOEO414.1C	QUALITY ASSURANCE
DOEO420.1A	FACILITY SAFETY
DOEO425.1C	STARTUP AND RESTART OF NUCLEAR FACILITIES
DOEO430.1A	LIFE-CYCLE ASSET MANAGEMENT
DOEO433.1	MAINTENANCE MANAGEMENT PROGRAM FOR DOE NUCLEAR FACILITIES.
DOEO435.1	Radioactive Waste Management
DOEO440.1A	Worker Protection Management For DOE and Contractor Employees
DOEO443.1	Protection of Human Subjects
DOEO450.1	Environmental Protection Program
DOEO451.1B	NATIONAL ENVIRONMENTAL POLICY ACT COMPLIANCE PROGRAM
DOEO460.1B	Packaging and Transportation Safety
DOEO460.2A	Departmental Materials Transportation and Packaging Management
DOEO461.1A	Packaging and Transfer or Transportation of Materials of National Security Interest
DOEP450.4	Safety Management System Policy
DOE-STD-1088-95	Fire Protection for Relocatable Structures
DOE-STD-1098-99	Radiological Control
DOE-STD-1186-2004	Specific Administrative Controls
EM-WAPS	Waste Acceptance Product Specifications (WAPS) for Vitrified High-Level Waste Forms
EPA QA/R-5	Requirements for Quality Assurance Project Plans
EPA/540/R-93/071	DATA QUALITY OBJECTIVES
EPA/SW-846	TEST MEHODS FOR EVALUATING SOLID WASTE
ERD-97-1660	Environmental Restoration Division Operations
FMDP - QARD	FISSILE MATERIALS DISPOSITION PROGRAM - QUALITY ASSURANCE REQUIREMENTS DOCUMENT
ISO 9002	QUALITY SYSTEM - MODEL FOR QUALITY ASSURANCE PRODUCTION AND INSTALLATION
JPODPM	JOINT PROGRAM OFFICE DIRECTION ON PROJECT MANAGEMENT
PSLM-073101	PRIMARY STANDARDS LABORATORY MEMORANDUM
Public Law 104-106	VALUE ENGINEERING FOR FEDERAL AGENCIES
Public Law 104-113	National Technology Transfer and Advancement Act of 1995
Public Law 108-375	NATIONAL DEFENSE AUTHORIZATION ACT FOR FY 2005
SBC	Standard Building Code
SC Code, Title 40	Engineers and Land Surveyors
SC R.19-450	Permits For Construction In Navigable Waters
SC R.51-1	South Carolina Environmental Certification Board
SC R.61-101	Water Quality Certification
SC R.61-104	Hazardous Waste Management Locations Standards

Directive	Title
SC R.61-105	Infectious Waste Management Regulations
SC R.61-107	Solid Waste Management
SC R.61-25	Retail Food Establishments
SC R.61-30	Environmental Protection Fees
SC R.61-56	Individual Sewage Treatment and Disposal Systems
SC R.61-58	State Primary Drinking Water Regulations
SC R.61-62	Air Pollution Control Regulations and Standards
SC R.61-67	Standards For Wastewater Facility Construction
SC R.61-68	Water Classifications and Standards
SC R.61-69	Classified Waters
SC R.61-71	Well Standards
SC R.61-72	Procedures for Contested Cases
SC R.61-79	Hazardous Waste Management Regulations
SC R.61-81	State Environmental Laboratory Certification Program
SC R.61-82	Proper Closeout of Wastewater Treatment Facilities
SC R.61-86.1	Standards of Performance for Asbestos Projects
SC R.61-87	Underground Injection Control Regulations
SC R.61-9	Water Pollution Control Permits
SC R.61-92	Underground Storage Tank Control Regulations
SC R.72-300	Standards for Stormwater Management and Sediment Reduction
UBC	Uniform Building Code

**Non-ES&H Requirements**

Directive	Title
DOE1340.1B	Management Of Public Communications Publications And Scientific, Technical, And Engineering Publications
DOE1450.4	Consensual Listening-in to or Recording Telephone/Radio Conversations
DOE5610.2Chg1	Control of Weapon Data
DOEM140.1-1B	Interface with the Defense Nuclear Facilities Safety Board
DOEM200.1-1	Chapter 9, Public Key Cryptography and Key Management
DOEM413.3-1	Project Management For The Acquisition Of Capital Assets
DOEM470.4-1	Safeguards and Security Program Planning and Management (Change 1)
DOEM470.4-2	Physical Protection
DOEM470.4-3	Protective Safeguards and Security Force, (Change 1)
DOEM470.4-3	Protective Safeguards and Security Force, (Change 1)
DOEM470.4-4	Information Security
DOEM470.4-5	Personnel Security
DOEM470.4-6	Nuclear Material Control and Accountability
DOEM471.1-1	Identification And Protection Of Unclassified Controlled Nuclear Information Manual
DOEM471.2-2	Classified Information Systems Security Manual

Directive	Title
DOEM471.3-1	Manual For Identifying And Protecting Official Use Only Information
DOEM475.1-1A	Identifying Classified Information
DOEM481.1-1AChg1	Reimbursable Work for Non-Federal Sponsors Process Manual
DOEM483.1-1	DOE Cooperative Research And Development Agreements Manual
DOEM573.1-1	Mail Services User's Manual
DOEN205.1	Unclassified Cyber Security Program
DOEN205.2	Foreign National Access To DOE Cyber Systems
DOEN205.3	Password Generation, Protection, And Use
DOEN205.4	Handling Cyber Security Alerts And Advisories And Reporting Cyber Security Incidents
DOEN206.3	Personal Identity Verification
DOEN470.2	Reporting Unofficial Foreign Travel
DOEN473.4	Department Of Energy Badges
DOEN473.5	Security Area Vouching And Piggybacking
DOEN481.1A	Reimbursable Work For Department Of Homeland Security
DOEO580.1	Property Management
DOEO110.3	Conference Management
DOEO130.1	Budget Formulation Process
DOEO142.1	Classified Visits Involving Foreign Nationals
DOEO142.2	Safeguards Agreement And Protocol With The International Atomic Energy Agency
DOEO142.3	Unclassified Foreign Visits And Assignments Program
DOEO200.1	Information Management Program
DOEO221.1	Reporting Fraud, Waste, And Abuse To The Office Of Inspector General
DOEO221.2	Cooperation With The Office Of Inspector General
DOEO241.1A	Scientific and Technical Information Management
DOEO243.1	Records Management Program
DOEO252.1	TECHNICAL STANDARDS PROGRAM
DOEO350.2A	Use Of Management And Operating Or Other Facility Management Contractor Employees For Services To DOE In The Washington, D.C., Area
DOEO413.1A	Management Control Program
DOEO413.2B	Laboratory Directed Research And Development
DOEO413.3	Program And Project Management For The Acquisition Of Capital Assets
DOEO430.1B	REAL PROPERTY ASSET MANAGEMENT
DOEO430.2A	Departmental Energy And Utilities Management
DOEO440.2B	Aviation Management And Safety
DOEO470.2B	Independent Oversight And Performance Assurance Program
DOEO470.3	Design Basis Threat Policy
DOEO471.1A	Identification and Protection of Unclassified Controlled Nuclear Information
DOEO471.3	Identifying And Protecting Official Use Only Information
DOEO475.1	Counterintelligence Program
DOEO481.1B	Work for Others (Non-Department of Energy Funded Work)
DOEO483.1	DOE Cooperative Research And Development Agreements

<b>Directive</b>	<b>Title</b>
DOEO522.1	PRICING OF DEPARTMENTAL MATERIALS AND SERVICES
DOEO534.1A	Accounting
DOEO551.1B	Official Foreign Travel
IBP-404	NWC Infrastructure Business Practice, Engineering Authorization System
NNSAM56XB	NNSA Development and Production Manual
NNSAM56XBCH 8. 1	NNSA Manual 56XB, Chapter 8.1, New Material And Stockpile Evaluation Test Program
NNSAM56XBCH 12. 3	NNSA Manual 56XB, Chapter 12.3, Risk Management Process For The Directed Stockpile Work Program
TBP	Nuclear Weapons Complex Applicable Technical Business Practice (TBP) Procedures
TBP-000	NWC Technical Business Practice, Program Management
TBP-100	NWC Technical Business Practice, Concurrent Qualification
TBP-101	NWC Technical Business Practice, Engineering Evaluation Process
TBP-200	NWC Technical Business Practice, Product Identification And Traceability
TBP-201	NWC Technical Business Practice, Weapon Identification Systems And Marking Criteria
TBP-300	NWC Technical Business Practice, Product Definition
TBP-301	NWC Technical Business Practice, Methods Of Definition
TBP-302	NWC Technical Business Practice, Product And Equipment Designations
TBP-400	NWC Technical Business Practice, Design Control
TBP-401	NWC Technical Business Practice, Definition Control
TBP-402	NWC Technical Business Practice, Product Control
TBP-403	NWC Technical Business Practice, Reviews
TBP-404	NWC Technical Business Practice, Engineering Authorization System
TBP-500	NWC Technical Business Practice, Records Management
TBP-600	NWC Technical Business Practice, Procurement
TBP-601	NWC Technical Business Practice, Procurement Classes Of Weapon Product
TBP-700	NWC Technical Business Practice, Product Acceptance And Control Of Nonconformance
TBP-701	NWC Technical Business Practice, Acceptance Equipment Interfaces
TBP-702	NWC Technical Business Practice, Nonconforming Material
TBP-703	NWC Technical Business Practice, Product Reprocessing And Reworking
TBP-704	NWC Technical Business Practice, Evaluation And Disposition Of Discrepant Weapon Material
TBP-800	NWC Technical Business Practice, Stockpile Management
TBP-801	NWC Technical Business Practice, Laboratory And Flight Test Material
TBP-804	NWC Technical Business Practice, Stockpile Support Material
TBP-CM	NWC Technical Business Practice, Configuration Management
TBP-PRP	NWC Technical Business Practice, Product Realization Process
TBP-SYS	NWC Technical Business Practice, Technical Business Practice System

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#### APPENDIX F

#### SENSITIVE FOREIGN NATIONS CONTROL

In accordance with Section I contract clause, DEAR 952.204-71, “Sensitive Foreign Nations Controls,” this Attachment sets forth the requirements the contractor shall comply with under this contract. (Reference DOE Order 142.3, or superseding directives.)

Foreign National access to DOE sites, programs, information and technologies will be approved provided the access is needed to support the program objectives of DOE and/or objectives of U.S. national interests.

#### 1. Definitions

Assignee – A foreign national who has been approved to access a DOE site, information, or technology for a period of more than 30 consecutive calendar days.

Foreign National – A person born outside the jurisdiction of the United States, is a citizen of a foreign government, and has not been naturalized under U.S. law.

Host – The DOE or DOE contractor employee responsible for the day-to-day activities associated with the visit or assignment.

Indices Checks – A procedure whereby a request is made to appropriate U. S. Government agencies to determine whether information exists on a particular foreign national.

Legal Permanent Resident (LPR) – One who has the right to reside permanently and work in the United States. An LPR may also be known as a permanent resident alien or Green Card holder.

Nonsensitive Country National – A foreign national who was born in, is a citizen of, is employed by, or represents a government, company, organization, or institution that is located in a country not on the Sensitive Countries List or the Terrorist Countries List.

Security Plan – A security plan is required to address specific site security concerns relating to foreign national visits or assignments.

Sensitive Countries List – A list of countries to which particular consideration is given for policy reasons during the DOE internal review and approval process for visits and assignments by foreign nationals. Countries may appear on the list for national security, nuclear nonproliferation, or terrorism support reasons. Those countries follow:

Algeria  
Armenia  
Azerbaijan  
Belarus  
China (People's Republic of China )  
Cuba - Terrorist  
Georgia  
India  
Iran - Terrorist  
Iraq  
Israel  
Kazakhstan  
North Korea (Democratic People's Republic of) - Terrorist  
Kyrgyzstan  
Libya - Terrorist  
Moldavia  
Pakistan  
Russia  
Sudan - Terrorist  
Syria - Terrorist  
Taiwan (Republic of China)  
Tajikistan  
Turkmenistan  
Ukraine  
Uzbekistan

Sensitive Visit/Assignment – A visit/assignment will be considered sensitive if:

- Sensitive Country (Citizen or Birth)
- Sensitive Subject/Sensitive Areas
- Secured Facilities (Limited Area, Protected Area, Material Access Area or Exclusion Area)
- Represent a company, business, organization or institute from countries identified as sensitive.

Sensitive Country National – A foreign national who was born in, is a citizen of, or is employed by a government, employer, institution or organization, of a sensitive country.

Visit – Access by a foreign national for 30 calendar days or less.

## **2. Prior Approvals Relating to Foreign Nationals**

- a. Foreign visits and assignments pertaining to DOE programs must be in accordance with DOE Order 142.3, or superceding directives and other DOE policies furnished in writing to the contractor. All visits and assignments must be approved in advance by the DOE Approval Authority.
- b. Sensitive visits or assignment requests must be submitted 45 days in advance in order to allow time for an indices check to be completed.
- c. Non-sensitive visits or assignment requests must be submitted 5 days in advance.

## **3. Reports Relating to Foreign Visits and Assignments**

Host Report Requirements - To enable the approving official to evaluate the effectiveness of visits and assignments, and to assist in determining the desirability of future visits and assignments, host reports are required within 5 days of the completion of the visit or assignment.

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**PERFORMANCE GUARANTEE AGREEMENT**

The Performance Guarantee Agreement is required by the Section H clause entitled “Performance Guarantee.”

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#### **APPENDIX H**

#### **GUIDANCE FOR PREPARATION OF DIVERSITY PLAN**

With regard to the Contract Section I clause entitled “Diversity Plan,” this Appendix provides guidance to assist the Contractor in understanding the information being sought by the Department for each of the clause’s Diversity elements. If the Contractor’s current policy or procedure already addresses the following elements, the Contractor need only provide a copy of the policy or procedure to the CO and identify the applicable policy or procedure and applicable page number(s).

#### **Work Force**

This Contract includes clauses on Equal Opportunity and Affirmative Action. The Contractor should discuss its policies and plans for implementation of these clauses in its operations. If the Contractor already has procedures in place, these should be discussed and copies provided.

#### **Educational Outreach**

The Contractor should outline or discuss any programs already provided, or which it intends to provide, which will provide employees an opportunity to improve their employment skills and opportunities. These programs could include: educational assistance allowance, provision for outside training programs either during or outside regular work hours, and executive training programs for non-executive employees. The Contractor should also discuss any plans to participate in any program supporting Historically Black Colleges and Universities, Hispanic Serving Institutions, and Native American Institutions.

#### **Community Involvement and Outreach**

An Offeror's proposal or this Contract may include a section dealing with community involvement and outreach activities. In that event, those sections may be cross-referenced and do not need to be repeated. Contractor community relation activities could include support for the following activities: support for science, mathematics and engineering education; support for community service organizations; assistance to Governmental and community service organizations and for equal opportunity activities; and community assistance in connection with work force reduction plans. The Contractor may provide support to these activities through direct sponsorship or making individual employees available to work with the specific community activity. The Contractor's Diversity Plan should discuss the Contractor's existing and planned activities promoting community involvement of its employees as well as the corporation.

## **Subcontracting**

If appropriate to the Contractor, the Contract will contain FAR 52.219-9 "Small, Small Disadvantaged, and Woman Owned Small Business Subcontracting Plan" and other small business related clauses. Additionally, the RFP may have contained additional guidance on small business subcontracting. The Contractor should briefly summarize its subcontracting plan. If the Contractor is participating, or plans to participate, in the Department's Mentor-Protégé Program, this involvement or planned involvement should be summarized. Information concerning its subcontracting plans already submitted and approved does not need to be redeveloped or renegotiated.

## **Economic Development (Including Technology Transfer)**

Many of the Department's contracts include clauses dealing with technology transfer. Planning or activities developed under such clauses may apply to this element of the Contractor's Diversity Plan. Additionally, some of the subcontracting activities planned by the Contractor with small business, small disadvantaged businesses, or woman-owned small businesses may be entered into for the purpose of assisting the economic development of or transferring technology to such a business. The Contractor's Diversity Plan should outline and discuss its planned activities promoting economic diversification of the local community.

## **PART III – LIST OF DOCUMENTS, EXHIBITS, AND OTHER ATTACHMENTS**

### **SECTION J - LIST OF ATTACHMENTS**

#### **APPENDIX I**

#### **GUIDANCE FOR PREPARATION OF EMPLOYEE CONCERNS PROGRAM (ECP) IMPLEMENTATION PLAN**

This Guidance is to assist the Contractor in understanding the information being sought by the Department for each of the ECP Plan elements. The Plan should include innovative strategies for identifying and resolving employee issues effectively at the lowest level possible in a timely manner. The Plan should address, at a minimum, the Contractor's approach for promoting openness in communication and resolving employee issues through (1) educational outreach and training, (2) an effective concerns processing system, (3) a thorough and independent investigation process, (4) tracking implementation of corrective actions, (5) timely response to concerned employees, (6) integration of the ECP into the Contractor's Integrated Safety Management System (ISMS), (7) proactive use of Alternative Dispute Resolution (ADR), (8) zero tolerance for reprisal for raising any issue, and (9) an effective self assessment and evaluation process.

#### **Educational Outreach and Training**

The Contractor Plan should outline or discuss any programs already provided, or which it intends to provide, which will educate their workforce and those of their subcontractors on their rights and responsibilities regarding reporting all types of issues to their management and/or the ECP, the avenues available to all employees for raising concerns, emphasizing the proactive use of ADR, and the Department's policy on zero tolerance for reprisal for raising issues.

#### **Effective Concerns Processing System**

The Contractor's ECP Plan should discuss the Contractor's existing or planned processes for receiving and resolving employee concerns in accordance with DOE directives. The Plan should discuss overall perspectives on organizational location of the ECP function, staffing, establishment of procedures, and logistical considerations for the functioning of an effective ECP.

#### **Thorough and Independent Investigation Process**

The Contractor's ECP Plan should discuss the Contractor's existing or planned processes for investigating employee concerns in accordance with DOE directives, including proposed methods for investigating concerns by ECP staff, as well as identifying the types of concerns referred or transferred to other organizations for investigation and resolution. The Plan should discuss the methods used to ensure the independence of the ECP and maintaining the integrity of the Program as an independent evaluation process. The Plan should also discuss the types and levels of expertise relative to the investigation process necessary to implement an effective ECP.

### **Tracking Implementation of Corrective Actions**

The Contractor's Plan should discuss methods the Contractor is currently using or intends to use to document and track the implementation of corrective actions resulting from substantiated employee concern investigations, to include an evaluation of the effectiveness of the actions in resolving the concern and preventing future recurrence of the identified problems.

### **Timely Response to Concerned Employees**

The Plan should describe the methods the Contractor is currently using or intends to use to provide effective feedback to the concerned employees throughout the process, as well as in providing a final closeout to the individual.

### **Integration of the ECP into the Integrated Safety Management System (ISMS)**

The Plan should discuss the integration of the ECP as part of the Contractor's ISMS, specifically describing the Contractor's philosophy on how the ECP contributes to the effectiveness of the ISMS.

### **Proactive Use of Alternative Dispute Resolution (ADR)**

The Contractor's Plan should discuss the Contractor's existing or planned processes for incorporating the proactive, early use of ADR methods, including mediation, into their efforts to resolve employee concerns, in accordance with DOE directives. The Plan should also discuss the types and levels of expertise relative to ADR necessary to implement ADR as part of an effective ECP.

### **Zero Tolerance for Reprisal for Raising Issues**

The Plan should discuss the methods the Contractor is currently using or intends to use to communicate and enforce DOE directives regarding zero tolerance for reprisal for raising all types of issues. The Plan should discuss the processes established to implement the provisions of Title 10, Code of Federal Regulations, Part 708 (10CFR 708), *Contractor Employee Protection Program*, and the reprisal prohibitions under Title 10, Code of Federal Regulation, Part 820 (10CFR820), *Procedural Rules for DOE Nuclear Activities*. The Plan should include discussion of methods of training employees and supervisors on the provisions of 10CFR708 and 10CFR820, as well as proactively resolving formal complaints filed under 10CFR708. The Plan should also include discussion regarding how to address the implications of violations of 10CFR708 or 10CFR820 as it relates to the Price-Anderson Amendments Act of 1988 (PAAA).

### **Effective Self Assessment and Evaluation Process**

The Contractor ECP Plan should discuss the methods the Contractor is currently using or intends to use to implement an effective self assessment and evaluation process, in accordance with DOE directives, including DOE Order 226.1, *Implementation of DOE Oversight Policy*. The Plan should include discussion on methods to conduct tracking and trending analysis on concerns received and resolved, as well as actions to report that information to senior Contractor management

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#### **APPENDIX J**

#### **GUIDANCE FOR PREPARATION OF EQUAL OPPORTUNITY PROGRAM**

With regard to the Contract Section I clause entitled “Equal Opportunity,” this Appendix provides guidance to assist the Contractor in understanding the Department’s expectations in the area of workforce equal employment opportunity and diversity.

In addition to Executive Order 11246 and DOE Order 311.1B, DOE-SR contractors and subcontractors will strive to meet DOE-SR's expectations to be model employers in the area of workforce equal employment opportunity and diversity, and to provide policies, procedures, and assign responsibilities and authorities for the oversight of contractor equal employment opportunity and affirmative action at DOE facilities, as specified in applicable State and Federal laws and regulations.

DOE-SR contractors and subcontractors must ensure that all its personnel actions are "made free" of any discrimination based on race, color, religion, sex, national origin, age, disabling condition, reprisal or sexual orientation and that each of its contractors and subcontractors has "an affirmative program of equal employment opportunity" for all employees and applicants for employment. To this end, the contractors must maintain the essential elements of a Model Equal Employment Opportunity (EEO) Program as follows:

- Demonstrated commitment from company leadership;
- Integration of EEO into the company's strategic mission;
- Management and program accountability;
- Proactive prevention of unlawful discrimination;
- Efficiency; and
- Responsiveness and legal compliance.

(a) **Demonstrated Commitment from Contractor Leadership**

- (1) Contractor heads and other senior management officials are to demonstrate a firm commitment to equality of opportunity for all employees and applicants for employment. Even the best workplace policies and procedures will fail if they are not trusted, respected and vigorously enforced. The Contractor must translate equal opportunity into every day practice and make those principles a fundamental part of their company culture. This commitment to equal opportunity must be embraced by company leadership and communicated through the ranks from the top down. It is the responsibility of each company head to take such measures as may be necessary to

incorporate the principles of equal employment opportunity into the company's organizational structure.

- (2) To this end, the Contractor will adhere to all DOE policies governing EEO and a workplace free of discriminatory harassment.

(b) Integration of EEO into the Company's Strategic Mission

- (1) Maintain a reporting structure that provides the company's EEO Director with regular access to the company head and other senior management officials for reporting on the effectiveness, efficiency and legal compliance of the company's equal employment opportunity and diversity programs.
- (2) EEO Director be a direct report to the company head.
- (3) Ensure EEO professionals are involved with, and consulted on, the management and deployment of human resources. The EEO Director should be a regular participant in senior staff meetings and regularly consulted on human resources issues.
- (4) Allocate sufficient resources to create and/or maintain equal employment opportunity and diversity programs that: 1) identify and eliminate barriers that impair the ability of individuals to compete in the workplace because of race, national origin, sex or disability; 2) establish and maintain training and education programs designed to provide maximum opportunity for all employees to advance; and 3) ensure that unlawful discrimination in the workplace is promptly corrected and addressed.
- (5) Attract, develop and retain EEO staff with the strategic competencies necessary to accomplish the company's EEO mission, and interface with company officials, managers and employees.
- (6) Recruit, hire, develop and retain supervisors and managers who have effective managerial, communications and interpersonal skills. Provide managers and supervisors with appropriate classroom training and other resources to understand and successfully discharge their duties and responsibilities.
- (7) Involve managers and employees in the implementation of the company's EEO and diversity programs.
- (8) Use various media to distribute EEO information concerning EEO laws, regulations and requirements, rights, duties and responsibilities and to promote best workplace practices.

(c) Management and Program Accountability

- (1) Conduct regular internal audits, on at least an annual basis, to assess the effectiveness and efficiency of EEO laws and regulations to ascertain whether the company has

made a good faith effort to identify and remove barriers to equality of opportunity in the workplace.

- (2) Establish procedures to prevent all forms of discrimination, including harassment, retaliation and failure to provide reasonable accommodation to qualified individuals with disabilities.
- (3) Evaluate managers and supervisors on efforts to ensure equality of opportunity for all employees.
- (4) Maintain clearly defined, well-communicated, consistently applied and fairly implemented personnel policies, selection and promotion procedures, evaluation procedures, rules of conduct and training systems.
- (5) Review each finding of discrimination to determine the appropriateness of taking disciplinary action against company officials involved in the matter. Track these decisions and report trends, issues and problems to company leadership for appropriate action.

(d) Proactive Prevention of Unlawful Discrimination

Contractors must conduct a self-assessment on at least an annual basis to monitor progress, identify areas where barriers may operate to exclude certain groups and develop strategic plans to eliminate identified barriers.

(e) Efficiency

- (1) Contractors must have an efficient and fair dispute resolution process and effective systems for evaluating the impact and effectiveness of their EEO programs.
- (2) Maintain an efficient, fair, and impartial complaint resolution process.
- (3) Establish and encourage the widespread use of a fair alternative dispute resolution (ADR) program that facilitates the early, effective, and efficient informal resolution of disputes.
- (4) Establish an internal complaint process to include suspense date that has been approved by DOE-SR. Develop a tracking and monitoring system that permits the company to identify the location, status, and length of time elapsed at each stage of the company's complaint process, the issues and the bases of the complaints, the aggrieved individuals/complainants, the involved management officials and other information necessary to analyze complaint activity and identify trends.
- (5) Identify, monitor and report significant trends reflected in complaint processing activity monthly to DOE-SR. Analysis of data relating to the nature and disposition

of EEO complaints can provide useful insight into the extent to which an company is meeting its obligations to EEO laws, regulations, executive orders and guidances.

- (6) Maintain a system that collects and maintains accurate information on the race, national origin, sex, and disability status of company employees.
  - (7) Maintain a system that tracks applicant flow data, which identifies applicants by race, national origin, sex, and disability status and the disposition of all applications.
  - (8) Maintain a tracking system of recruitment activities to permit analyses of these efforts in any examination of potential barriers to equality of opportunity.
  - (9) Identify and disseminate best workplace practices.
- (f) Responsiveness and Legal Compliance

Ensure that they are in full compliance with the laws, regulations, guidances, orders and other written instructions.

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**APPENDIX K**

**SUPPLEMENTAL REQUIREMENTS TO  
LAWS, REGULATIONS, AND DOE DIRECTIVES**

**RESERVED**

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**APPENDIX L**

**DISCRETIONARY MANAGEMENT POSITIONS**

**TO BE COMPLETED AFTER AWARD**